

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

United States of America,

Case No. 23-cr-154 (SRN/TNL)

Plaintiff,

v.

ORDER

Andrew Dayjon Griffin,

Defendant.

This matter comes before the Court on Defendant Andrew Dayjon Griffin's Motion to Continue, ECF No. 28, and Motion to Exclude Time Under the Speedy Trial Act, ECF No. 29. Defendant has also filed a Statement of Facts in Support of Motions to Continue and to Exclude Time Under the Speedy Trial Act, ECF No. 30.

Defendant states that discovery was received from the Government most recently on May 25, 2023; counsel has not yet been able to undertake "a complete review of the voluminous discovery"; and additional time is needed to prepare pretrial motions. ECF No. 28 at 1; *see also* ECF No. 30 at 1. Defendant requests an extension of at least 120 days to file motions along with corresponding extensions of the motions-hearing and trial dates. The Government has no objection to the requested extension.

Pursuant to 18 U.S.C. § 3161(h), this Court finds that the ends of justice served by granting a continuance outweigh the best interests of the public and Defendant in a speedy trial and such continuance is necessary to provide Defendant and his counsel reasonable time necessary for effective preparation and to make efficient use of the parties' resources.

Based on all the files, records, and proceedings herein, **IT IS HEREBY ORDERED** that:

1. Defendant's Motion to Continue, ECF No. 28, is **GRANTED**.
2. Defendant's Motion to Exclude Time Under the Speedy Trial Act, ECF No. 29, is **GRANTED**.
3. The period of time from **the date of this Order through September 27, 2023**, shall be excluded from Speedy Trial Act computations in this case.
4. All motions in the above-entitled case must be filed and served consistent with Federal Rules of Criminal Procedure 12(b) and 47 on or before **September 27, 2023**. *See* D. Minn. LR 12.1(c)(1). Two courtesy copies of all motions and responses must be delivered directly to the chambers of Magistrate Judge Tony N. Leung.
5. **Counsel must electronically file a letter on or before September 27, 2023, if no motions will be filed and there is no need for hearing.**
6. All responses to motions must be filed by **October 11, 2023**. *See* D. Minn. LR 12.1(c)(2).
7. Any Notice of Intent to Call Witnesses must be filed by **October 11, 2023**. *See* D. Minn. LR. 12.1(c)(3)(A).
8. Any Responsive Notice of Intent to Call Witnesses must be filed by **October 16, 2023**. *See* D. Minn. LR 12.1(c)(3)(B).
9. A motions hearing will be held pursuant to Federal Rules of Criminal Procedure 12(c) where:

- a. The Government makes timely disclosures and a defendant identifies in the motions particularized matters for which an evidentiary hearing is necessary; or
- b. Oral argument is requested by either party in its motion, objection or response pleadings.

10. If required, the motions hearing must be heard before Magistrate Judge Tony N. Leung on **October 19, 2023, at 1:30 p.m.**, in Courtroom 9W, Diana E. Murphy United States Courthouse, 300 South Fourth Street, **MINNEAPOLIS**, Minnesota. *See* D. Minn. LR 12.1(d).

11. **TRIAL:**

- a. **IF NO PRETRIAL MOTIONS ARE FILED BY DEFENDANT, the following trial and trial-related dates are:**

All voir dire questions and jury instructions and trial related motions (including motions in limine) must be submitted to District Judge Susan Richard Nelson on or before **November 6, 2023**.

This case must commence trial on **November 13, 2023, at 9:30 a.m.**, before District Judge Nelson in Courtroom 7B, Warren E. Burger Federal Building and U.S. Courthouse, 316 North Robert Street, **SAINT PAUL**, Minnesota.

- b. **IF PRETRIAL MOTIONS ARE FILED, the trial date, and other related dates, will be rescheduled following the ruling on pretrial motions. Counsel must contact the Courtroom Deputy for District Judge Nelson to confirm the new trial date.**

Dated: June 6, 2023

s/ Tony N. Leung
TONY N. LEUNG
United States Magistrate Judge
District of Minnesota

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